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Attorneys for Defendant

Wallaby Yogurt Company, Inc.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANK MORGAN and JANET HOOD,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

WALLABY YOGURT COMPANY, INC.,

Defendant.

No. CV 13-0296-CW

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING MAY 1, 2013  
CASE MANAGEMENT CONFERENCE**

Judge: Hon. Claudia Wilken

Action Filed: January 22, 2013

1 Plaintiffs Frank Morgan and Janet Hood, on behalf of themselves and all others similarly  
2 situated, and Defendant Wallaby Yogurt Company, through their undersigned counsel, hereby stipulate  
3 as follows:

4 WHEREAS, the hearing for Wallaby's motion to dismiss has been set for July 11, 2013 and the  
5 parties have not yet completed briefing this motion;

6 WHEREAS, a case management conference is currently scheduled for May 1, 2013;

7 WHEREAS, the parties believe and agree that it will be most efficient and convenient for the  
8 Court and parties to continue the case management conference after the Court has decided the motion to  
9 dismiss;

10 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval  
11 of the Court that the case management conference shall be continued to 2 p.m. on July 31, 2013, or to a  
12 date and time thereafter that is convenient for the Court.

13  
14 Dated: April 19, 2013

JENNER & BLOCK LLP

15 /s Kenneth K. Lee

16 By: Kenneth K. Lee

17 Attorneys for Defendant Wallaby Yogurt Co.

18  
19  
20 Dated: April 19, 2013

PRATT & ASSOCIATES

21 /s Ben F. Pierce Gore

22 By: Ben F. Pierce Gore

23 Attorneys for Plaintiff

24 Darren L. Brown  
25 Provost Umphrey  
26 490 Park Street  
27 Beaumont, Texas 77701  
28

ATTESTATION

I, Kenneth K. Lee, am the ECF user whose ID and password are being used to file the Stipulation to Continue the May 1, 2013 Case Management Conference in compliance with Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from signatory Ben F. Pierce Gore.

\* \* \*

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April \_\_\_, 2013

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Hon. Claudia Wilken  
United States District Judge